

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 1-3 and 11 are pending in this application. Claims 4-10 and 12-15 have been cancelled. This action is in response to the applicants' after-final amendment filed on August 29, 2008.

### ***Withdrawn Rejections/Objections:***

2. Applicant is notified that any outstanding rejection/objection that is not expressly maintained in this office action has been withdrawn or rendered moot in view of applicant's amendments and/or remarks.

### **Examiner's Amendment**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Michael A. Patané on September 16, 2008. The application has been amended as follows:

a) Deletion of the word, "having" which is the last word in the second line of claim 3.

### **Reasons for Allowance**

5. The following is an examiner's statement of reasons for allowance:

Claims 1-3 and 11 are allowed. Claims 1-3 and 11 are free of the prior art. The closest prior art is Galli, et. al. U.S. Patent No. 6,844,337. The Galli patent discloses a similar

core to that which is instantly claimed. The structure where the heterocycle linked to the diazacyclononane is an 5-isoxazolyl for the "E" variable is set forth in the current application, but the prior art does not teach or fairly suggest where E is a thiazolyl or an imidazolyl as is required in the instant application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid delays, should preferably accompany the issue fee. Such submissions should clearly be labeled "Comments on the Statements of Reasons for Allowance".

### ***Conclusion***

6. Claims 1-3 and 11 are allowed.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey H. Murray, whose telephone number is 571-272-9023. The examiner can normally be reached on Mon.-Thurs. 7:30-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached at 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey H Murray/  
Patent Examiner , Art Unit 1624

**/James O. Wilson/  
Supervisory Patent Examiner, Art Unit 1624**